IN THE UNITED STATES PATENT OFFICE

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Inventors	:	Patrick WUTHRICH, Hervé ROLLAND and Marc JULIEN
Application No:		10/564,137
Filed	:	10 January 2006
Title	:	Orodispersible Pharmaceutical Composition of an Antithrombotic Compound
Art Unit	:	1617
Examiner	:	Layla SOROUSH, Esq.
Docket No.	:	SERVIER 480 PCT

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Mail Stop:
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE, AND ELECTION UNDER 37 CFR §§ 1.111 AND 1.142

The applicants acknowledge the Restriction Requirement of 20 July 2009 with appreciation. The Office has reviewed the application and determined that it lacks unity of invention and consists of a plurality of distinct inventions, namely:

> **Group I** (Claims 13-24), drawn to a solid orodispersible pharmaceutical composition comprising a compound A of formula (I) and granules consisting of co-dried lactose and starch;
>
> **Group II** (Claims 25-26), drawn to a process for manufacturing solid orodispersible pharmaceutical compositions comprising a compound A of formula (I) and granules consisting of co-dried lactose and starch; and
>
> **Group III** (Claim 27), drawn to a method for treating a living animal body afflicted with a condition treatable by an antithrombotic agent comprising administration of the composition as defined in **Group I**.

It is the position of the Office that Restriction **Groups I-III** do not relate to a single inventive concept because they lack a significant structural element which

qualifies as a common special technical feature defining a contribution over the prior art. The Office cites Lavielle, et al. (US Patent No. 5, 472,979) to support its position that a solid orodispersible pharmaceutical composition comprising a compound A of formula (I) and granules consisting of co-dried lactose and starch does not define a contribution over the prior art.

The applicants ***traverse*** this conclusion on the grounds that the disclosure of Lavielle, et al. does not describe an orodispersible composition comprising a compound A of formula (I) and granules consisting of co-dried lactose and starch, but rather discloses a conventional pharmaceutical composition comprising lactose and starch without orodispersible properties. Consequently, the applicant traverses the unity position of the office and respectfully requests reconsideration.

Nonetheless, in an effort to advance the prosecution of the instant application, and in the absence of a favorable decision on the traversal, the Applicants elect ***with traverse*** to prosecute the invention of **Group I**, drawn to a solid orodispersible pharmaceutical composition comprising a compound A of formula (I) and granules consisting of co-dried lactose and starch.

Absent a favorable decision upon reconsideration of the Restriction Requirement, the Examiner may withdraw the non-elected subject matter, without prejudice to its rejoinder during later examination and/or prosecution in a Divisional Application.

Moreover, the Applicants respectfully request that the Examiner include the method of treatment claim from **Group III** for simultaneous prosecution with the composition of **Group I**. The Applicants hereby designate the method of Claim 27 for examination with the instant elected compositions.

Accordingly, entry of the present Election into the record of this application and favorable action on the merits thereof, are respectfully solicited.

Allowance is solicited.

Respectfully submitted,

THE FIRM OF HUESCHEN AND SAGE

By: _____
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G. PATRICK SAGE